

Facts and Q&A's

About the Pacific Coast population of the western snowy plover
April 21, 2006

Facts

Snowy plovers are small shorebirds, about 5 to 7 inches long, with pale brown uppers, buff colored bellies, and darker patches on their shoulders and heads. Their dark gray to black legs are a useful distinguishing feature when comparing them to other plover species.

The western snowy plover is one of two subspecies of snowy plover nesting in North America. Its nesting range includes sites in Baja California, California, Oregon, Washington, Nevada, Utah, Arizona, Colorado, New Mexico, Kansas, Oklahoma, Texas, and central and northeastern Mexico, as well as irregularly visited sites in Saskatchewan, Wyoming and Montana. The other North American subspecies, the Cuban snowy plover, nests generally east of Louisiana at various locations along the Gulf of Mexico, including Florida, the Bahamas, the Yucatan Peninsula, and Puerto Rico.

With the exception of resident individuals on the Pacific coast and in southern California, Texas, Arizona and New Mexico, western snowy plovers migrate between winter and summer ranges. Breeding takes place only at the summer location. Some Pacific coast individuals migrate to other Pacific coast sites for breeding, while others remain resident year round. Plovers hatched at interior sites west of the Rocky Mountains migrate to wintering locations on the Pacific coast, where they mix with birds that have hatched on the coast. However, evidence from several banding studies indicates that the two populations separate out again to nest.

The current population estimate for the U.S. portion of the Pacific Coast population is approximately 2,300, based on a 2005 survey. The largest number of breeding birds occurs south of San Francisco Bay to southern Baja. The decline of the species has been attributed to loss of nesting habitat, human disturbance, encroachment of European beach grass on nesting grounds, and predation. The Service listed the Pacific Coast population of the western snowy plover as a threatened species in 1993 and designated critical habitat in 2005.

Questions &Answers

Q. What is today's action?

- A. The Fish and Wildlife Service is taking two actions:
- Issuing its finding on a petition to remove the Pacific coast population of the western snowy plover from the Federal list of threatened and endangered species under the Endangered Species Act (ESA). After reviewing the best scientific and commercial information available, the Service finds that the petitioned action is not warranted.

- Opening a 60-day public comment period on a proposed special regulation under section 4(d) of the Endangered Species Act. The rule is intended to promote the conservation of the Pacific Coast distinct population segment of the western snowy plover.

Q. What is the history of today's action?

A. On July 29, 2002, the Service received a petition from the Surf-Ocean Beach Commission of Lompoc, California, to delist the Pacific Coast WSP. We received a similar petition on May 30, 2003, from the City of Morro Bay, California. The petitions contended that the Pacific Coast population of the western snowy plover does not qualify either as a distinct population or as a threatened species.

On March 22, 2004, the Service announced an initial finding in the *Federal Register* that the petitions presented substantial information to indicate the petitioned action may be warranted, and it initiated a more in-depth status review. Today's action completes that review.

Q. What did the petitions seek?

A. Petitioners sought to remove the Pacific coast population of the western snowy plover from the list of threatened species. The petitions asserted that the original decision to list the Pacific Coast western snowy plover was in error, on the grounds that it failed to meet the requirements for designating a distinct population segment (DPS). The petitions also asserted that even if the western snowy plover is a DPS, it is not threatened.

The petitioners' primary support for their position was an unpublished master's thesis that failed to find significant genetic differentiation between Pacific Coast plovers and interior plovers.

Q. Why did the Service reject the petitions?

A. The Service found that the Pacific Coast population of the western snowy plover (WSP) does qualify as a distinct population and that it remains threatened.

The Service's original determination of the distinctiveness of the Pacific Coast population was based on scientific information that showed the coastal plovers breed in different areas than inland plovers.

The Service's Distinct Vertebrate Population Segment Policy, published in 1996, stipulates that a population segment of a vertebrate species must be both discrete and significant to qualify for consideration for listing under the ESA. As such, the Service considers information on behavior, distribution, ecology and – if available – genetics in making a determination of whether a population is discrete and significant.

Based on the available information in the petition, scientific literature, and in its files regarding western snowy plover range and distribution, the Service concludes that the Pacific Coast WSP is markedly separate from other populations of the subspecies due to behavioral differences, and that it, therefore, meets the requirements of our DPS policy for discreteness.

Threats to the Pacific Coast WSP remain essentially the same as at the time of its listing in 1993. However, the magnitude of the threats has been reduced through active management afforded by protections under the ESA, with a resultant increase to the overall Pacific Coast WSP population. Despite the reduction in the threats' magnitude relative to the time of listing, the Pacific Coast WSP is still at risk. Accordingly, the Pacific Coast WSP continues to qualify as a threatened species under the ESA.

Q. What happens now?

A. The Pacific Coast population of the western snowy plover remains listed as threatened, but the Service will continue to review scientific information on the health of the species as it becomes available.

Meanwhile, at the conclusion of the 60-day comment period, the Service will make a decision on the proposed special rule, which is intended to further support and enhance the conservation of the Pacific Coast WSP.

Q. How would the special rule work?

A. In general, the Endangered Species Act prohibits the killing, harming, harassing or other "taking" of a protected species. The special rule would reduce the "take" prohibitions within counties that both:

- Have a Service-approved management strategy that adequately addresses local threats to the Pacific Coast population of the western snowy plover
- And have met their Breeding Bird Management Goals, as specified in the 2001 Draft Recovery Plan.

The special rule would have several positive benefits:

- It would recognize and reward positive conservation accomplishments by offering "take" exemptions to landowners and managers within counties that are meeting recovery goals.
- It would reduce inefficient or unnecessary Federal regulatory oversight in portions of the plover's range where recovery goals have been met and threats have been addressed, thus enabling limited management resources to be more efficiently targeted to other areas or conservation needs.
- And it would serve as a positive incentive to beach managers and landowners to increase voluntary plover conservation in areas that have not yet met County Breeding Bird Management Goals.

Q. How can the public submit comments on the proposed rule?

A. Information, suggestions, and comments may be sent to the Field Supervisor (Attn: WSP-4d), Arcata Fish and Wildlife Office, U.S. Fish and Wildlife Service, 1655 Heindon Road, Arcata, California 95521 (telephone: 707-822-7201; fax: 707-822-8411).

Q. Has the Service designated critical habitat for the Pacific Coast population of the western snowy plover?

A. Yes. Twice.

In 1999, the Service designated 28 areas in California, Oregon and Washington as critical habitat. The designated areas totaled 18,000 acres and 180 miles of coastline, or about 10 percent of the coastline of the three states. Of the 28 critical habitat units, 19 were in California, seven in Oregon and two in Washington.

In 2003, a Federal judge in Eugene, Oregon, ordered the Service to rewrite the critical habitat designation because it did not adequately assess economic effects. Two critical habitat units in Washington and two in California were invalidated, but the others remained in place pending the new proposed rule.

Following the Court's direction, the Service proposed new a new critical habitat plan in late 2004. In September 2005, the Service completed a final rule designating 32 units of critical habitat along the coast of California, Oregon, and Washington. The critical habitat units total 12,145 acres, nearly 40 per cent smaller than the 1999 critical habitat rule.

Of the critical habitat units, 24 are in California (7,472 acres), five are in Oregon (2,147 acres), and three are in Washington (2,526 acres). Of the total acreage, 2,479 acres (20 percent) are on Federal lands; 6,474 acres (53 percent) are owned by states or local agencies; and 3,191 acres (26 percent) are private.

Q. When will the Service release a final recovery plan for this species?

A. The Service released a draft recovery plan in May 2001. The Service expects to release a final recovery plan later this year. The draft plan establishes recovery criteria and outlines actions that are needed to help conserve and recover the species. Since the draft plan was released, the Service has been working with other Federal and state agencies to protect habitat along beaches while permitting human access for recreation and other uses.

More questions?

Write or call:

Field Supervisor (Attn: WSP-4d)
Arcata Fish and Wildlife Office
U.S. Fish and Wildlife Service
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